

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TRIAL MINUTES

JUDGE: JEFFREY S. WHITE

COURTROOM DEPUTY: Jennifer Ottolini

DATE: August 22, 2005

Court Reporter: Kathy Wyatt

CASE NO. C-04-958 JSW

TITLE: Stephanie Harrington v. City of Napa, et al.,

COUNSEL FOR PLAINTIFF:

David Helbraun

COUNSEL FOR DEFENDANT:

David Jones
John Cu

PROCEEDINGS: Jury Trial (Day 7)

(SEE ATTACHED TRIAL LOG)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: C-04-958 JSW

Case Name: STEPHANIE HARRINGTON v. CITY OF NAPA, et al.,

TRIAL SHEET, EXHIBIT and WITNESS LIST

DISTRICT JUDGE JEFFREY S. WHITE	PLAINTIFF ATTORNEY: DAVID HELBRAUN	DEFENSE ATTORNEY: DAVID JONES/JOHN CU
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TRIAL DATE:
August 22, 2005

REPORTER(S):
Kathy Wyatt

CLERK:
Jennifer Ottolini

PLF NO.	DEF NO.	TIME	ID	REC	DESCRIPTION
		<u>8:26 a.m.</u>			<u>Court convened. All parties and counsel are present. Court and counsel discuss jury instructions.</u>
		<u>8:35 a.m.</u>			<u>Jury is now present. The Defendant called JARED ZWICKEY, who was sworn and testified under direct examination.</u>
		<u>8:48 a.m.</u>			<u>Jared Zwickey is offered as an expert witness in the field of: 1. Arrest and Control, 2. Police Practices, 3. Use of Force by Police: GRANTED</u>
		<u>9:16 a.m.</u>			<u>Cross examination of JARED ZWICKEY</u>
<u>76</u>			<u>X</u>		<u>Zwickey report dated 3-25-05</u>
		<u>9:54 a.m.</u>			<u>Witness thanked and excused. Subject to the admission of evidence, the Defendant rests.</u>
		<u>9:55 a.m.</u>			<u>The Plaintiff called KATHRYN EBERHART, who was sworn and testified as a Rebuttal Witness under direction examination.</u>
		<u>10:00 a.m.</u>			<u>Court recessed for 15 minutes. Jurors admonished.</u>
		<u>10:17 a.m.</u>			<u>Court reconvened. All counsel and parties are present. Jury is present. Direct Examination of KATHRYN EBERHART continued.</u>
<u>82</u>			<u>X</u>		<u>Defense Medical Examination - Report by KATHRYN EBERHART</u>
		<u>10:31 a.m.</u>			<u>Cross examination of KATHRYN EBERHART</u>
		<u>10:34 a.m.</u>			<u>Witness thanked and excused. The Plaintiff rests. The jury is admonished and recessed for 30 minutes.</u>
		<u>10:35 a.m.</u>			<u>Court and counsel discuss exhibits and jury instructions</u>
	<u>51</u>		<u>X</u>	<u>X</u>	<u>Dr. Hitchcock's Progress Notes dated 3-25-05</u>
<u>83</u>			<u>X</u>	<u>X</u>	<u>3 documents from the original exhibit 45</u>
		<u>11:05 a.m.</u>			<u>Court recessed for 15 minutes</u>

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO.	TIME	ID	REC	DESCRIPTION
		<u>10:25 a.m.</u>			<u>Court reconvened. All counsel and parties are present. Jury is present. The Court instructed the jury.</u>
		<u>11:44 a.m.</u>			<u>Sidebar conference held (reported)</u>
		<u>11:50 a.m.</u>			<u>Court recessed for lunch. Jurors admonished.</u>
		<u>1:04 p.m.</u>			<u>Court reconvened. All counsel and parties are present. The Court made inquiry of counsel re: Special Verdict Form</u>
		<u>1:05 p.m.</u>			<u>The jury is now present. Closing statements on behalf of the Plaintiff, given by David Helbraun</u>
		<u>1:37 p.m.</u>			<u>Closing statements on behalf of the Defendant, given by David Jones</u>
		<u>2:29 p.m.</u>			<u>Court recessed for 15 minutes. Jurors admonished.</u>
		<u>2:45 p.m.</u>			<u>Court reconvened. All counsel and parties are present. The jury is present. Final argument on behalf of the Plaintiff, by David Helbraun.</u>
		<u>2:56 p.m.</u>			<u>The Court completes reading the instructions to the jury.</u>
		<u>3:02 p.m.</u>			<u>Jury retired to deliberate.</u>
		<u>3:09 p.m.</u>			<u>CSO Doug Wright is sworn to take charge of the jury.</u>
		<u>4:10 p.m.</u>			<u>The Jury informed CSO Wright that they will deliberate from 8:00 a.m. until 4:00 p.m. daily. The jury has gone home for the evening.</u>